

Decision 35/2016

Travel Agency Commissioner - Area 2

Andreas Körösi
P.O. Box 5245
S-102 45 Stockholm, Sweden

Applicant: *Air Express*
IATA Code # 91268251
United Kingdom ("UK")

Respondent: International Air Transport Association (IATA)
Torre Europa
Paseo de la Castellana, número 95
28046 Madrid, Spain

NOTE:

This summarized decision is being posted as the Parties have received it. Occasional requests for clarification are not posted. However, should any Stakeholder requests it, a copy of such clarification will be sent to her/him.

Decision:

As I understand the situation, the Applicant was not in a position <<***to pay in full***>> as requested in the email dated 14th of September, sent by IATA indicating, I quote: <<... *us not receiving the **payment in full** by the Remittance Date...*>>; seemingly because the Applicant did not have enough funds, nor should it be needed, to pay for the same sale twice. Even if this double payment would have been cleared on the next Billing.

My question was why the "difference" was not collected and as I understand from the Applicant's explanation this is an issue where the bank refused partial payment due to the "direct debit" system. I agree that the Applicant should have been more vigilant and paid the "difference", but not doing so is, under the circumstances, understandable.

As I see it, it all comes down to whether or not the Applicant did all what was reasonably possible to contact Saudi Airlines and make them confirm/act on the fact that the payment to them should not have been included in this billing.

Saudi Airlines confirm the Applicant's statements, and since there was "holiday season" this contact from Saudi Airlines to IATA could not be done on time and by that the incident would have been avoided.

I deem this as an "unfortunate situation" where neither IATA nor the Applicant had failed in their obligations, and I see no risk that Air Express will fail to adhere to the Passenger Sales Agency Agreement in the future.

- **It is hereby decided that the Irregularity should be withdrawn from the Applicant's records and it should be reinstated in full.**

This Decision is effective as of today.

Decided in Stockholm, on September 22nd, 2016

Andreas Körösi
Travel Agency Commissioner
IATA-Area 2

In accordance with Res 820e § 2.10 any Party may ask for an interpretation or correction of any error in computation, any clerical or typographical error, or any error or omission of a similar nature which the Party may find relevant to this decision. The time frame for these types of requests will be maximum 15 calendar days after receipt of this decision. Meaning as soon as possible and **not later than October 7th, 2016.**

Please also be advised that, unless I receive written notice from either one of you **before** the above mentioned date this decision will be published in the Travel Agency Commissioner's secure web site, provided no requests for clarification, interpretation or corrections have been granted by this Commissioner, in which case the final decision will be posted right after that.

Please note that if after having asked for and obtained clarification or correction any Party still considers aggrieved by this decision, as per Resolution 820e §4, the Party has the right to seek review by Arbitration in accordance with the provisions of Resolution 824 §14.

Please let me know if any of the Parties requires a signed hard copy of this decision and I will send one once the time for "interpretation or correction" has elapsed.